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Chair: Ms. Alfeine ..... (Comoros)

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In the absence of Mr. Mac-Donald, Chair, Ms. Alfeine, Vice-Chair, took the chair.

The meeting was called to order at 3.05 p.m.

Agenda item 66: Rights of indigenous people (*continued*)

(a) Rights of indigenous peoples (*continued*) (A/67/273, A/67/221 and A/67/301)

(b) Second International Decade of the World's Indigenous People (*continued*)

1. **Mr. Kimpolo** (Congo) welcomed the Secretary-General's progress report on the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People (A/67/273) and the progress made on the five interlinked objectives of the Programme of Action. The objectives could only be achieved if Member States were firmly committed to recognizing the rights of indigenous peoples through constitutional and legislative reforms and, above all, through their implementation at the national and international level. The Congo commended efforts to promote the rights of indigenous peoples through the United Nations Declaration on the Rights of Indigenous Peoples, and had offered to host the 2013 pre-session working group for the World Conference on Indigenous Peoples to be held in 2014.

2. The Congo was party to a number of international instruments that protected the rights of indigenous peoples, including the African Charter on Human and People's Rights, and had twice hosted the Forum for indigenous people of Central Africa. In 2011 it had promulgated a law on the promotion and protection of the rights of indigenous peoples and a workshop on capacity-building had been held in conjunction with United Nations partners in 2012 with a view to its implementation. Other activities undertaken included the observance of the International Day of the World's Indigenous Peoples, a workshop on decentralisation with a view to improving the quality of life of indigenous groups, training of indigenous leaders and service providers in management, follow-up and evaluation, and training and support for social workers.

3. Its ultimate goal was to build a State under the rule of law free from discrimination based on ethnic origin, way of life or culture.

4. **Mr. Emvula** (Namibia) said that the nomadic traditions of the earliest inhabitants of Namibia had been disrupted by colonial settlers who had stolen their land, destabilized their way of life and forced them to live in less hospitable terrain. At independence in 1990, the Government had inherited numerous challenges associated with equality gaps between communities and the negative psychological effect of the legacy of colonialism and social marginalization. In response, it had set up development programmes in order to integrate the San and other marginalized peoples into the mainstream of the economy. Communities that had been successfully resettled on Government farms and communal lands were provided with continuous post-settlement support, while mobile schools and school feeding programmes had been established in order to support the schooling of children in communities that wished to retain their nomadic way of life. The key to improving the lives of the indigenous population was through education and through conserving land as the basis for their livelihood.

5. In order to sensitize public opinion and hence close the gap between policy formulation and implementation, the Government had set up a National Marginalized Communities Information Day. Namibia acknowledged its primary responsibility for the welfare of its people; it was nevertheless concerned that the country's classification as an upper-middle income country and the consequent reduction in international assistance could reverse the progress it had made. Namibia looked forward to participating in the World Conference on Indigenous Peoples in 2014.

6. **Mr. Ruiz** (Colombia) said that Colombia accorded the highest priority to the protection and promotion of the rights of indigenous peoples. The ethnic and cultural diversity of the nation and the right to full participation by all citizens was proclaimed in the Constitution: all citizens could run for election to Congress and indigenous jurisdiction was respected. The Constitution recognized all cultures within the country on an equal basis, the official use of indigenous languages in their respective territories and the right to an education and health services in accordance with cultural practices and traditions.

7. Approximately 3.4 per cent of the population of Colombia was composed of 82 indigenous groups making up communities inhabiting some 30 per cent of national territory.

8. Colombia had built a legal and institutional framework based on respect for democracy and the rule

of law that was inclusive of minorities. It had incorporated international human rights instruments into national laws and had developed a programme for strategy formulation and action for the development of indigenous peoples. The Government had also set up regional consultation bodies to address displacement and violations of human rights experienced by indigenous peoples. A protection programme had been established in order to safeguard the lives of journalists, indigenous leaders and other human rights defenders.

9. Prior consultation on all projects affecting indigenous areas had been introduced and agreements reached were formally recorded. A law concerning victims and land restitution had been passed in 2011, which provided for reparations and the restitution of territorial rights to indigenous communities and individuals. Protection of indigenous peoples in the context of armed conflict was guaranteed by the country's armed forces. Colombia was to host a National Human Rights Conference in December 2012, which would be attended by representatives of civil society, the international community and 32 indigenous bodies.

10. **Mr. Gurung** (Nepal) said that indigenous peoples around the world had retained unique social and cultural characteristics but they continued to face discrimination in every sphere. Therefore, ensuring their human rights was a major challenge for Member States. The Constitution of Nepal recognized that all languages spoken as mother tongues were national languages; of the more than 100 ethnic groups speaking 92 different languages in the country, 59 had been recognized as indigenous nationalities. Since 2002, the National Foundation for Indigenous Nationalities had formulated social, economic and cultural programmes that improved the lives of indigenous peoples. The Government adopted a participatory and inclusive approach to planning to ensure that indigenous peoples and minorities were placed at the centre of development. Having ratified the International Labour Organization (ILO) Convention No. 169 on indigenous and tribal peoples, the Government had undertaken structural reforms to enhance its implementation.

11. Nepal was committed to preserving the traditional knowledge, skills and technologies of indigenous groups, including practices of sustainable development. Indigenous communities played an important management role in the country's community forestry programme and their wisdom and creative potential would continue to be used in nation-building initiatives. Nepal looked to the international community for support in its endeavours to protect the rights of indigenous groups.

12. **Mr. de las Olvalles de Colmenares** (Bolivarian Republic of Venezuela) said that as a result of the European invasion of South and Central America, indigenous populations had been decimated, subjected to slavery and dispossessed of their lands. During 1,000 years of colonial rule, some 80 million indigenous people had been exterminated.

13. Indigenous populations continued to suffer exclusion and discrimination in a world where the dominant development model of overexploitation as well as production and consumption beyond environmentally sustainable limits had lead to poverty, inequality and the violation of human rights. Venezuela had adopted a socialist model of development based on principles of solidarity, which gave priority to the rights of indigenous peoples and to the protection of their culture and identity. The Constitution of Venezuela included a chapter on the rights of indigenous peoples, which recognized their social, political and economic organization, customs, traditional medicine, languages, religions and rights to their ancestral lands. The education system in Venezuela was multicultural and multilingual and an indigenous university had been established. The advent of satellite communications had enabled telemedicine centres to be set up in remote areas.

14. The Government was implementing a national health and social development policy in consultation with indigenous peoples that included the training of doctors and other health personnel from indigenous communities. It had also completed an extensive housing programme and had transferred approximately one million hectares of land for use by indigenous populations. The Parliament had approved an organic law on discrimination and the Constitution guaranteed the participation and representation of indigenous people. Their social, political and land rights had been further strengthened through a presidential commission.

15. Venezuela looked forward to the World Conference on Indigenous Peoples in 2014; it would

provide an opportunity for dialogue on the specific needs and collective rights of indigenous peoples.

16. **Mr. Augusto** (Angola) commended the progress made by the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples and encouraged them to continue their cooperation and coordination. He called on all Member States to respect the rights of indigenous peoples and to engage in constructive dialogue with them to find practical solutions to their concerns. Angola shared the opinion that the Guiding Principles on Business and Human Rights (A/HRC/17/31) should be applied to advance the specific rights of indigenous peoples.

17. United Nations agencies and institutions had an important role to play in implementing the standards enshrined in the United Nations Declaration on the Rights of Indigenous Peoples and in mainstreaming indigenous rights throughout the United Nations system. Angola thus welcomed the work of the Expert Mechanism and encouraged Member States to continue to participate in discussions with their national specialized bodies and institutions and to strengthen legislative and policy measures that promoted and protected the rights of indigenous peoples.

18. Angola commended the decision to hold the World Conference on Indigenous Peoples in 2014 and hoped that Member States would provide financial and technical assistance to support the participation of indigenous peoples during the preparatory process.

19. His Government looked forward to the study on access to justice in the promotion and protection of the rights of indigenous peoples by the Expert Mechanism requested by the Human Rights Council and welcomed the decision of the Council to hold a panel discussion on the World Conference on Indigenous Peoples at its twenty-fourth session.

20. **Mr. Cassidy** (International Labour Organization (ILO)) said that the ILO Convention No. 169 on indigenous and tribal peoples was in force in 22 countries to date. He had been heartened by the wide support for the Convention expressed in the Committee and encouraged all Member States to ratify it in order to close the rights gaps faced by indigenous peoples. The Convention was grounded in the principles of respect for distinctive cultures, livelihoods and ways of life and the right of indigenous peoples to participate in decisions that affected them. It had become a reference point for Governments, workers, employers and indigenous peoples around the world and it was referred to in peace accords, regional and domestic court decisions, development policies and environmental agreements.

21. The United Nations Declaration on the Rights of Indigenous Peoples had highlighted the importance of the Convention and the decades of work of ILO on indigenous peoples' issues; both instruments were mutually reinforcing and sustaining. It had also guided domestic legislative processes in numerous countries. Together, they made one set of international legal instruments for the protection of indigenous peoples' rights at the country level.

The meeting rose at 3.50 p.m.

The meeting was called to order at 10.05 a.m.

Agenda item 69: Promotion and protection of human rights (A/67/387-S/2012/717 and A/67/390)

(a) Implementation of human rights instruments (A/67/40 (Vols. I and II), A/67/44, A/67/48, A/67/48/Corr.1, A/67/281, A/67/269, A/67/264, A/67/222 and A/67/279)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/67/36)

1. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that the findings in his interim report to the General Assembly (A/67/279) showed that despite the global trend towards abolition of capital punishment, some States continued the practice as it did not constitute a violation per se of international and domestic law. They were nevertheless obliged, under international law, to uphold the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment. In practice, executions could violate that prohibition on two grounds. First, several of the methods applied — such as stoning, gas asphyxiation, hanging or lethal injection — involved unnecessary suffering and could not be empirically guaranteed to be pain-free. Second, the effects of prolonged and indefinite solitary confinement, known as the death row phenomenon, produced severe mental trauma and physical deterioration in prisoners under sentence of death owing to a combination of circumstances, including the uncertainty and anxiety related to imminent death, isolation, drastic physical conditions and regime restrictions.

2. An emerging customary norm held capital punishment as contrary to the prohibition of torture, substantiated by a consistent practice by a majority of States reflecting the view that enforcement of the death penalty was in breach of recognized standards and legal safeguards. That finding was reinforced by the fact that international law did not value the right to life of vulnerable groups differently, but considered the imposition of the death penalty against them to be particularly cruel, inhuman and degrading, in violation of the International Covenant on Civil and Political Rights and the Convention against Torture.

3. A new approach was needed to frame the debate on the legality of the death penalty in the context of human dignity and the prohibition of torture and cruel, inhuman or degrading treatment or punishment as most conditions under which it was applied rendered capital punishment tantamount to torture. While it might still be theoretically possible to impose the death penalty without violating the prohibition of torture, the rigorous requirements to ensure prohibition of torture in all cases made retention costly and impractical.

4. He recommended a comprehensive legal study on the emergence of a customary norm prohibiting the use of the death penalty under all circumstances. He also called on all States not to expel or extradite individuals to countries where they might be sentenced to death and subsequently detained on death row.

5. During his visit to Tajikistan earlier in 2012, he had noted encouraging changes in the normative framework, although it was too early to assess their impact. Sustained effort and commitment from the highest levels of authority would be required, along with a pledge of zero tolerance of torture, although most of the authorities with whom he had met were satisfied that those normative changes sufficed to eradicate torture and mistreatment. He had also visited Morocco, where he noted an emerging culture of human rights and a general improvement in the situation regarding the practice of torture. However, he had received credible reports of undue pressure on detainees during interrogations and events perceived as national security threats — occurrences frequent enough to warrant attention. The final reports would be presented at the forthcoming session of the Human Rights Council in March 2013. Country visits to Uruguay, Bahrain and Guatemala were also planned and discussions were under way for visits to Thailand, Iraq and to the Guantanamo Bay detention centre to observe trial proceedings there.

6. **Ms. Syed** (Norway) said that, as a matter of principle, her country opposed the death penalty in all circumstances as it was incompatible with the principles of human dignity and humane treatment. Norway welcomed the debate on the legality of the death penalty within the fundamental concepts of the prohibition of torture and cruel, inhuman or degrading treatment or punishment and supported the recommendation for a legal study on the emergence of a customary norm prohibiting the use of the death penalty. She asked whether the Special Rapporteur could highlight any possible developments since 2009, when his predecessor had called for a legal study

substantiating a greater need for such a study. Furthermore, as most of Europe was now a de facto death penalty-free zone, she would like to hear more on how regional organizations could contribute to reinforcing the trend towards global abolition.

7. **Mr. Neo** (Singapore) said that his country, with one of the lowest crime rates worldwide, a sound criminal justice framework and respect for rule of law, did not condone torture and its domestic legislation strictly prohibited causing bodily harm with criminal intent. It was precisely because of its stance against torture that Singapore expressed strong reservations over the Special Rapporteur's interim report, which tried to link the death penalty and the prohibition of torture by attempting to prove that there was an emerging customary norm on prohibiting capital punishment. His reliance on a supposed evolving standard was deeply flawed — the States he cited had actually made considered decisions to retain the death penalty and, therefore, did not regard it as contrary to international law.

8. The analytical approach used in the report was similarly flawed. First, it assumed that a given method of execution violated the prohibition against torture and cruel, inhuman or degrading treatment or punishment, precluding any contextual analysis. Second, the examples used did not demonstrate that a particular method was rejected by all States on the premise that it violated the prohibition. Lastly, there was no evidence that the decisions referred to had been accepted by all States as binding; Singapore certainly had not accepted them as such. There was clearly no international consensus that the death penalty, applied in accordance with due process, violated international law. Each country had the sovereign right to determine its own criminal justice system and maintain or abolish capital punishment.

9. **Ms. Loew** (Switzerland) said that the facts and legal analyses in the report would advance the debate which, in the past, had primarily been considered from a "right to life" perspective. Switzerland supported the human dignity approach in the report which, along with that of the Special Rapporteur on extrajudicial, summary or arbitrary executions was a milestone in the fight against capital punishment. She asked the Special Rapporteur to describe his position on the establishment of a special procedure on capital punishment and to explain his concrete proposals with regard to the recommendation, which Switzerland endorsed, to carry out a comprehensive legal study on the emergence of a customary norm.

10. **Mr. Guerts** (Observer for the European Union) requested further explanation of the victim-oriented approach to fighting torture to enrich the discussions of its possible practical implications. He would also like to hear more about the main challenges the Special Rapporteur faced in cooperating with States and how third States or organizations such as the European Union could assist.

11. **Mr. Sparber** (Liechtenstein) said that while his country joined in the general call to abolish the death penalty worldwide, it also considered it useful to examine the legal implications of the prohibition of torture on its application. He asked what reference documents the Special Rapporteur would consider most important in the course of the suggested legal study and what would be the main difficulties in determining whether or not there were emerging customary norms towards abolition.

12. **Mr. Achgalou** (Morocco) asked how the Special Rapporteur intended to address the many concerns raised by Member States and reconcile the diverging opinions on the content of the report. He welcomed the country visit by the Special Rapporteur, which had been conducted in a spirit of openness, and reaffirmed that Morocco would continue to cooperate with all of the special procedures and implement their recommendations.

13. **Mr. Newman** (United States of America) said that his country's judicial system provided exhaustive protections to ensure that the death penalty was applied with procedural safeguards, after extensive judicial review and for only the most serious crimes, in conformity with constitutional guarantees and obligations under international law. The United States of America did not agree with the Special Rapporteur's position that a number of practices associated with the death penalty, including lethal injection and solitary confinement, might constitute torture. It also strongly disagreed with the formulation of the obligation under article 3 of the Convention against Torture as reflected in the final recommendation in the report and, while respecting the views of abolitionists in the intense public debate on the death penalty, it did not share the view regarding the emergence of a customary norm prohibiting its use. His delegation called for greater efforts to prevent existing human rights violations

resulting from the improper application of capital punishment. He asked the Special Rapporteur to give his assessment of United Nations efforts to assist victims of torture, including through the Trust Fund in Support of the Activities of the Office of the United Nations High Commissioner for Human Rights and what States could do to assist those efforts.

14. **Ms. Mozolina** (Russian Federation), while welcoming the Special Rapporteur's substantive and insightful report, said that other, no less urgent issues warranted his attention, particularly the use of torture in combating terrorism in military operations carried out beyond national jurisdictions.

15. **Mr. Noziri** (Tajikistan) said that his Government welcomed the recent country visit by the Special Rapporteur and assured him that it was taking all necessary measures to ensure the highest standards of respect for human rights, as evidenced by the recent legal reform prohibiting torture. Tajikistan would be submitting its periodic report to the Committee against Torture at its November 2012 session and stood ready to continue its fruitful cooperation with the Special Rapporteur.

16. **Mr. Selim** (Egypt), recalling Egypt's long-standing commitment to combating torture and support for related regional and international efforts, said that it was considering national legislation to address the psychological effects of torture and had adopted a victim-oriented approach as well as a number of progressive measures. The Special Rapporteur might have been expected, in the light of recent political developments, to give attention to the use of torture to restrict the right to peaceful assembly; he had instead opted to focus on the link between the death penalty and torture. Egypt categorically rejected his report as there was no provision in customary international law or human rights law categorizing the death penalty or detention on death row as a form of torture.

17. The report recognized the emergence of a customary norm, while simultaneously acknowledging that there was no legal prohibition outside of the second Optional Protocol. The purported link between the death penalty and torture was an alarming attempt to delegitimize capital punishment, disregarding the provisions of international law and distorting established legal norms. Although Egypt respected the efforts to abolish the death penalty, it held that such attempts should be made within the correctly interpreted international legal framework and Member States' sovereign right to determine their own legal systems in accordance with their specificities and the will of their people.

18. He asked how the Special Rapporteur evaluated the psychological and other effects of life sentences. Also, if he recognized that there was no customary norm nor consensus on the link between the death penalty and torture in the absence of conclusive evidence, how would the recommended legal study be developed and contribute to the debate, taking into account the relevant international instruments? Egypt reaffirmed the need for further studies on the use of torture as a tool to prevent the exercise of the right to peaceful assembly.

19. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that the proposed legal study on the emerging norm of customary law with regard to abolition of the death penalty would provide in-depth analysis of the possible evolutions in international law. He had justified what he saw as an emerging trend in the report, evidenced by the abolition of the death penalty by many countries, on the grounds that it was cruel and inhumane, and the many General Assembly resolutions or decisions of regional organizations calling for a moratorium. However, a trend did not necessarily mean unanimity — State practice and *opinio juris* were required; persistent objectors, were free to reject a customary norm and were not bound by it, but that did not prevent its emergence. While no binding customary norm yet existed, it was important to continue studying the evolution towards abolition. The analysis he had conducted jointly with the Special Rapporteur on summary executions, though necessarily limited in time and resources, had revealed a number of issues that deserved wider attention; and he suggested that a possible special procedure dedicated specifically to the death penalty could embark on the comprehensive legal study.

20. A victim-oriented approach should also be helpful, as the opinions and experiences of prisoners on death row or awaiting specific forms of execution must be taken into account; even retentionist States had abolished certain methods of execution owing to their unusual cruelty. While it was difficult to say how States could cooperate further with special procedures, he noted that they received replies to approximately 40 per cent of their requests for visits and

communication. A more consistent and better rate of response would be appreciated. The individual complaint procedure was an important part of their work, but would only be effective if there was a clear and honest dialogue with States. Many of the communications sent to Member States concerned the use of torture in the context of war as cases were brought to his attention and that of the Special Rapporteur on the promotion and protection of human rights while countering terrorism. Those that concerned mistreatment fell within his mandate, and he engaged with the relevant Member States to take action.

21. United Nations treaty bodies also cooperated extensively with the Voluntary Fund for Victims of Torture. It was important to increase contributions to the Fund, given its limited resources. He agreed that torture was used as a means of preventing freedom of assembly and it was within his mandate to engage with States when the excessive use of force to prevent freedom of assembly amounted to torture.

22. **Mr. Grossman** (Chair, Committee against Torture) said that 153 of the 193 Member States had ratified or acceded to the Convention; of those, 29 had never complied with their reporting obligations, thus preventing the Committee from fulfilling its monitoring mandate, while others had not submitted periodic reports for more than a decade. Notwithstanding those violations, the Committee had adopted 311 sets of concluding observations and it valued the positive responses of the many States that had implemented recommended measures as a result of the dialogue. While 522 individual complaints had been registered since 1988, 88 States parties had not yet recognized that competence of the Committee, thus making it impossible for their nationals to avail themselves of that tool.

23. Owing to strict compliance with Committee decisions and interim measures, the Convention had had a real impact through such procedures as examining cases where it was believed that sending an individual to a third country exposed him or her to a risk of torture. However, despite the substantial increase in meeting time, the Committee had a backlog of 115 pending cases, which severely weakened and diminished the credibility of the system by preventing the timely administration of justice. The Committee had undertaken eight confidential inquiry procedures and was on the verge of adopting its third general comment on implementation of article 14 of the Convention.

24. The Committee remained concerned, however, that despite the substantial legal framework, torture continued to take place — in States parties and non-parties to the Convention alike — and had therefore endeavoured to establish an optional reporting procedure as a new means of assisting States parties in fulfilling their obligations. Notwithstanding the success of the new procedure, it placed an additional burden on the Secretariat and on the ten-member Committee itself. Resources were therefore a key issue and the Committee had called on the General Assembly to continue to provide the necessary financial support to enable it to maintain its current four-week sessions in May and November. The report had highlighted the efforts undertaken to use resources efficiently and to cooperate with Member States to improve the efficiency of treaty bodies. The Committee, comprised of independent experts operating in a legal framework, had made an impact, as evidenced by the recent use of the Committee's contributions in a judgment by the International Court of Justice. The world was not yet free of torture, but that was an achievable goal.

25. **Ms. Astiasarán Arias** (Cuba) asked what the Committee was doing to ensure that the dialogue with Member States was objective and beneficial and what principles governed its work with regard to determining the sources of information used.

26. **Mr. de Bustamante** (Observer for the European Union), noting that the report painted a grim picture on States' compliance with their obligations, asked to hear more about some of the general trends in the development of the use of torture and methods to prevent it.

27. **Mr. Grossman** (Chair, Committee against Torture) said that objectivity and impartiality were ensured through transparency. Reports to the Committee were presented in public meetings that were webcast and all information and answers provided were accessible to the public without filters or censure. The Committee's decisions were taken by acclamation or through a silent voting procedure requiring a majority. Members with a recognized conflict of interest recused themselves from the discussion. With regard to sources of information, what mattered was raising questions through the Committee and correcting errors while

ensuring that those questions did not lead to the wrong conclusions. His experience in other human rights bodies had shown that the nature of the petitioner was irrelevant. The Committee also received complaints from criminals, but the aim of the Convention was to prevent torture and while anyone could address a complaint to the Committee, it would not necessarily be heard. Transparency about the information submitted by NGOs, as well as the replies provided by States parties, was also a must. The Committee published all such information on its website, making sure to avoid offensive language.

28. A number of important goals had been achieved, some of which he had listed in his report, such as the incorporation of the prohibition of torture and its criminalization in the domestic law of many countries. However, although the international community had not succeeded in eliminating torture, it should not be resigned to its existence or accept that legal organs were of no use. There was increasing cooperation among special procedures, and the treaty bodies had a preventive role through concluding observations on reports. Other trends that should be strengthened were participation of civil society, rejection of discrimination and the growing unwillingness of large numbers of people to accept the use of torture.

29. **Mr. Evans** (Chair, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) said that in 2011 the Subcommittee had conducted three full visits, to Ukraine, Brazil and Mali. The recent expansion to 25 members had increased the size of delegations and complexity of missions, compounded by the introduction of a maximum length for reports. Consequently, the Subcommittee had decided to conduct more and shorter visits, with smaller delegations and a more targeted focus; in 2012 three of the six visits had been aimed at providing advice and assistance on national preventive mechanisms

30. With 64 States parties to the Optional Protocol, it would be at least ten years before the Subcommittee was able formally to visit a country. It therefore wished to visit all States parties on a cycle similar to those of other treaty bodies, which would further increase its workload. Given financial and human resource constraints, further refinement and innovation of its working methods as well as support from States parties would be essential. The Subcommittee looked forward to the outcome of the treaty body strengthening process, and would continue to support the efforts of all stakeholders.

31. The Subcommittee welcomed the quantity and quality of replies to visit reports, and was seeking other ways of facilitating the implementation of recommendations, including through liaison with other local or regional United Nations agencies. Four replies remained overdue but that did not prevent continued discussion with authorities, national preventive mechanisms or, where the reports were made public, other stakeholders. Over half of its visit reports had been published, with the consent of States parties, whilst fully respecting and observing the right of States to preserve the confidentiality of their exchanges.

32. The Subcommittee also welcomed the response to the first call for applications to the Special Fund in November 2011, which had so far resulted in the approval for and launch of projects in Benin, Honduras, Paraguay, the Maldives and Mexico, showing that preventive work through the Optional Protocol could be quickly translated into real, practical and tangible protections and improvements for detainees at risk of ill-treatment.

33. The number of national preventive mechanisms had reached 37; Subcommittee members were grouped in task forces, which allowed the Subcommittee to engage with them outside of sessions and formal visits. However, demand for input from the Subcommittee already outstripped its capacity and that was likely to continue.

34. Twenty-three States parties had yet to establish national preventive mechanisms within the time frame provided for in the Optional Protocol. When coupled with international oversight by the Subcommittee, they were the best means to prevent torture and ill-treatment, as they provided local and regular scrutiny of the reality of detention in a way that would not otherwise be possible. The Subcommittee's programme remained a vital element of the architecture of prevention but, through the Optional Protocol system, the national preventive mechanisms became an efficient and effective "front line".

35. **Ms. Loew** (Switzerland), noting that the Subcommittee could carry out only a limited number of visits each year, asked what measures had been taken or envisaged to ensure more efficient coordination and complementarity between the Subcommittee and national mechanisms.

36. **Mr. Geurts** (Observer for the European Union) said that given that the Subcommittee on Prevention of Torture operated differently from other human rights treaty bodies, he would be interested to hear the views of the Chair of the Subcommittee on the treaty body strengthening process. He also wondered why only half of the reports and recommendations of the Subcommittee had been made public.

37. **Mr. Kaminek** (Czech Republic) said that although his country would continue to make its customary financial contribution to the work of the Subcommittee on the Prevention of Torture, it had been forced withdraw its candidate for membership in the Subcommittee because he did not fulfil the independence criteria provided for in the Optional Protocol to the Convention against Torture. He agreed that there should be no room for Government officials on the Subcommittee, but wondered if members of national preventive mechanisms should be allowed to serve. He also asked what number of State Party visits per year would be optimum, and whether unannounced visits to places of detention were being carried out.

38. **Ms. Kofoed** (Denmark) asked if the panellists found any use in their work for General Assembly and Human Rights Council resolutions on torture.

39. **Mr. Evans** (Chair of the Subcommittee on Prevention of Torture) said that the 2011 Global Forum on the Optional Protocol to the Convention against Torture had brought together hundreds of members of national mechanisms and shown how much progress had been made in the five years since the Protocol's entry into force. It had also provided an opportunity to strengthen the links with national mechanisms that were so invaluable to the Subcommittee's work. The treaty body strengthening process was an opportunity not only to increase resources but also to benefit from synergies among the various bodies.

40. Many reports were submitted on a confidential basis and could not be made public unless the State in question granted consent. There was no reason why members of national preventive mechanisms should not be members of the Subcommittee, provided that their presence did not intrude on the independence of discussions and was consistent with the Addis Ababa guidelines on the independence and impartiality of members of the human rights treaty bodies.

41. During country visits, no advance notice was ever given of the places of detention that the Subcommittee intended to visit. The Subcommittee hoped eventually to double the number of country visits per year from six to twelve. United Nations resolutions were useful for reflection on progress made. It was in fact pursuant to one of those resolutions that the three torture mandate holders had been brought together at the current meeting.

42. **Mr. Grossman** (Chair of the Committee against Torture) said that resolutions were useful as a demonstration of what the consensus was on any given issue. As important as the resolutions themselves was the debate that preceded their adoption. It was unquestionably useful for as many of the reports as possible to be made available on the Web.

43. **Mr. Mendez** (Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment) said that he cited resolutions frequently in his correspondence and reports on country visits. The discussion that surrounded the process of formulating resolutions was valuable in itself. It was particularly useful to take note of the gradual evolution of the annual torture resolution, and he commended the leadership role that Denmark had taken in that process.

44. **Mr. McCallum** (Chair of the Committee on the Rights of Persons with Disabilities) said that the Convention on the Rights of Persons with Disabilities was already making a difference in the lives of persons with disabilities, most of whom lived in developing countries and below the poverty line. In fact, the Convention was being ratified at such a record pace that his Committee could not keep up with the increase in the number of States Parties, and desperately needed more meeting time. He expressed his gratitude to States Parties for appointing so many persons with disabilities as Committee members, and looked forward to the time when persons with disabilities would be represented on all Human Rights Committees in proportion to their capacity to contribute to the protection of human rights around the world.

45. **Mr. Zhang** Guixuan (China) said that special attention should be paid to persons with disabilities in developing countries. His country had adopted measures to promote and safeguard the rights of persons with disabilities, and its progress in that area had been commended by the Committee on Persons with Disabilities during its consideration of China's first national report in September 2012.

46. **Ms. Morton** (New Zealand), speaking on behalf Mexico, New Zealand and Sweden, asked for further elaboration on the Committee's meeting time requirements given that the Convention already had 125 States Parties.

47. **Mr. Geurts** (Observer for the European Union) said that the quality and accessibility provisions of articles 12 and 13 seemed to be the key elements that determined the effectiveness of the Convention on the Rights of Persons with Disabilities as a whole. He wondered which rights the Committee believed deserved special attention, and what issue the Committee might be planning to elaborate on by way of a general comment. He also asked how the Committee was working to incorporate the recommendations contained in the report of the High Commissioner for Human Rights on Strengthening the United Nations Human Rights Treaty Body System.

48. **Mr. McCallum** (Chair of the Committee on the Rights of Persons with Disabilities) said that the Committee's dialogue with China, as with the other countries whose reports it had considered, had been constructive. Countries all had different starting points, but all approached the issue with good will.

49. Within its current allotment of three weeks of meeting time per year, the Committee could handle a maximum of three, possibly four reports per year. It already had a backlog of eight years, which was set to double in short order as more countries submitted reports. The addition of two more weeks annually plus pre-sessional working time would allow it to complete as many as 10 reports per year. He stressed that his request for more meeting time was separate from the ongoing reform process, and was simply a matter of equity within the current system. Five weeks per year would give the Committee on the Rights of Persons with Disabilities no more, and in most cases, less time than other human rights committees.

50. Noting that the Convention on the Rights of Persons with Disabilities was the first convention to which a supranational body like the European Union had become party, he agreed that articles 12 and 13, on equal recognition before the law and access to justice were the heart of the Convention. A working group had been formed to write a general comment on article 12. He wished to stress the importance of inclusion for persons with cognitive and psychological disabilities, who faced many obstacles that amounted to a deprivation of liberty. Legal systems needed to move from old-fashioned guardianship to systems in which persons with disabilities made decisions for themselves with the assistance of family and friends.

51. In his capacity as the 2011-2012 Chair of the Chairs of human rights treaty bodies, he had written to the Secretary-General expressing his support for the treaty body strengthening process. Because his particular Committee was a new one, it had extremely up-to-date rules of procedure that, for example, incorporated many of the Addis Ababa guidelines. He supported the Comprehensive Reporting Calendar based on a periodic five-year cycle advocated by the Secretary-General and the High Commissioner. He was hopeful that the United Nations would provide his Committee with the resources it needed.

52. **The Chair** invited the Committee to begin its general discussion of sub-items (a) and (d) of Agenda item 69.

53. **Mr. Mahmoud** (Egypt), speaking on behalf of the Arab Group, said that human rights went hand in hand with development and international peace and security. Political and civil rights should not be prioritized at the expense of economic, cultural and social rights. No particular culture's values should be privileged over another's, and the international community should support national efforts to enhance human rights while steering clear of intervention in a country's internal affairs on the pretext of such notions as human security or responsibility to protect. The right to development should not be conditional on the acceptance by developing countries of concepts that were by no means universally agreed upon. The Security Council should not be used to address human rights matters at the expense of the Human Rights Council, treaty bodies or special measures.

54. The recent organized campaign defaming Islam was unacceptable. The Arab Group supported a freedom of expression that challenged extremism and violence, not one that incited hatred and targeted particular religions. At the same time, the Group rejected any resort to violence in response to that defamation.

55. It was important that technological innovations in communication should be used to promote respect for human rights rather than to incite hatred and disseminate negative stereotypes. The international community needed to combat extremism, racism,

discrimination and denigration of religious traditions, in the first place by fulfilling obligations under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and in the second place by conducting a constructive dialogue that promoted tolerance and understanding of the other. Above all it was important to counter the ignorance and misunderstanding that prevailed in many countries.

56. Speaking as the representative of Egypt, he said that the Arab revolutions had demonstrated the innate desire of peoples for equal rights and democracy. The international community should use peaceful means to prevent the abuse by some of the principle of sovereignty in order to suppress the rights and freedoms of peoples.

57. His country had made firm strides in its democratic transformation, having successfully held free elections and taken measures to call to account those responsible for human rights violations that occurred during the January 25 revolution. Numerous legislative amendments had been enacted to strengthen the political process, ensure religious freedom and combat discrimination, extremism and violence. The Ministry of Manpower and Immigration had issued new union regulations that guaranteed freedom of association and organization. Egypt was in the process of making preparations to host a regional office of the High Commissioner for Human Rights.

58. He wished to draw the attention of the Secretary-General to the need to ensure accuracy in his reports, notably with regard to the statement in the Secretary-General's report on a moratorium on the use of the death penalty (A/67/226) that sentences of capital punishment were reportedly handed down to children under 18 at the time of the alleged offence in Egypt. Egyptian law prohibited the death penalty or a life sentence of hard labour for anyone under 18 years of age.

59. **Mr. de Bustamante** (Observer for the Europe Union), speaking also on behalf of the acceding country Croatia; the candidate countries Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Armenia, Azerbaijan, Georgia, Liechtenstein, Norway, the Republic of Moldova and Ukraine, said that the European Union welcomed further advancement in 2012 towards universal ratification of the core human rights treaties, which was a key objective of the Vienna Declaration and Programme of Action. It encouraged States to withdraw reservations that were incompatible with the objectives and purposes of human rights treaties, enact the domestic legislation necessary for national implementation, and cooperate with treaty bodies. The European Union was in the process of establishing a framework for implementation of the Convention on the Rights of Persons with Disabilities, to which it and all its Member States were party.

60. The European Union was strongly committed to effective and independent human rights treaty bodies and supported the treaty body strengthening process. Respect for the competencies of all the different stakeholders, including States parties, the treaty bodies themselves, and the Office of the High Commissioner for Human Rights, was essential for successful implementation of General Assembly resolution 66/295 on extension of the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system. The opportunity to interact with the treaty body chairs in the Third Committee was also invaluable. The European Union echoed previous calls of the High Commissioner for States to put a stop to any acts of intimidation or reprisal against individuals and groups who cooperated with United Nations.

61. **Metropolitan Hilarion** (Russian Federation) said that, as a representative of the Russian Orthodox Church, he felt obligated to speak out on behalf of the most persecuted religious group on the planet, which was Christians. Over 100 million Christians were being persecuted, and a Christian was killed for his faith every five minutes. In particular, deep social transformations in the Middle East and some countries of Asia and Africa were upsetting a balance that had allowed different confessional communities to coexist peacefully for centuries. His Church had traditionally maintained close contact with the ancient Christian Churches of the Middle East, and the leaders of those communities were reporting outrageous acts of discrimination and violence against Christians.

62. Across Syria, tens of thousands of Christians had seen their churches destroyed and been forced to flee their homes. Notwithstanding the protestations of religious tolerance just voiced by the representative of Egypt, Coptic Christians in that country were

undergoing similar persecution and displacement. Half of Libya's 60,000 Christians had emigrated, and of the million and a half Christians who lived in Iraq in 2003, only 10 per cent remained. Christians were also being deprived of legal protection and persecuted in Pakistan, the Sudan and Algeria. Thousands of Christians had fled Mali, while the radical Islamist Boko Haram sect continued to exterminate Christians in Nigeria.

63. One response to the situation was to work to facilitate immigration of persecuted Christians to other countries. But that would only be playing into the hands of extremists. First and foremost, efforts should be made to keep Christians safe in their traditional homes.

64. The introduction of the term "Christianophia" into the vocabulary of the international community at the 2009 United Nations World Conference against Racism had been timely, although the term "persecution of Christians" would be more descriptive of reality. International institutions responsible for protecting religious minorities should be collecting data, and violence against religious minorities should be prosecuted in both national and international courts. He expressed support for the January 2011 resolution on the situation of Christians in the context of freedom of religion adopted by the Parliamentary Assembly of the Council of Europe, which had proposed the development of a permanent capacity to monitor restrictions on religious freedom, and he called on the United Nations to establish an international mechanism to combat religious discrimination.

65. **Mr. Olvalles** (Bolivarian Republic of Venezuela) recalled that his country's 1999 Constitution further enshrined human rights and fundamental freedoms and the State guaranteed the enjoyment of all civil, political, economic and socio-cultural rights, with the international agreements ratified by his country taking precedence over domestic law. The State implemented egalitarian policies and deemed that objectivity and impartiality as well as cultural diversity must be taken into account in human rights policies. In the last 13 years, poverty and inequality had receded drastically and the country boasted a sound participatory democracy with guarantees for civil rights, freedom of expression without censure, all gains that were widely recognized by the international community.

66. His country — where political prisoners, impunity, capital punishment and torture were non-existent — rejected all attempts to infringe on human rights and fundamental freedoms. Transparent, unselfish international cooperation, in strict observance of the United Nations Charter, would help to promote and protect human rights.

67. **Ms. Li** Xiaomei (China) said that her country believed that the treaty body reform process would promote constructive dialogue between treaty bodies and States parties on such issues as increasing efficiency, enhancing the role of conferences of States parties, and formulating codes of conduct for treaty body experts. Treaty bodies should adhere to the principles of objectivity and impartiality. States parties should play a leading role in the reform process. China was a party to all major human rights instruments, and had worked to incorporate the provisions of those treaties into its domestic law. It had submitted its national reports in a timely fashion and actively supported the Hong Kong and Macao special administrative regions in fulfilling their relevant treaty obligations.

68. **Mr. Saleh** (Saudi Arabia) said that his country's approach to human rights was based on the principles of tolerance and human dignity enshrined in the Islamic sharia. It was committed to the goals of the United Nations Human Rights Council and the mainstreaming of human rights within the United Nations system in accordance with General Assembly resolution 60/251. It had acceded to numerous international conventions and protocols, and had established a national body to promote human rights in 2005, as well as a 41-member Human Rights Society, both of which had contributed to the establishment of mechanisms for monitoring violations, hearing complaints, inspecting prisons and drafting legislation. The national anti-corruption society, the national journalists association and the King Abdul Aziz Center for National Dialogue were also active in promoting human rights. On 14 and 15 August 2012, the Kingdom had hosted an emergency summit to address the protection of human rights, in particular in Syria and Myanmar. In its fight against terrorism it struck a balance between security requirements and human rights considerations, and it had instituted a prisoner rehabilitation programme that had gained international recognition.

69. He stressed the urgent need for international action to stop the violence being perpetrated against the Muslim community in Myanmar, and announced

that his Government would be making a contribution of $50 million to help the Muslims of Myanmar. He called on the international community, and in particular the Russian Federation, China, Europe and the United States of America, to shoulder its responsibility to bring an end to the oppression and human rights violations being suffered by the Palestinian people in Occupied Palestinian Territory. He also called on the international community, and in particular the Muslim countries, the Russian Federation, China, Europe and the United States of America, to apply all possible pressure to stop the Syrian Government from using its military to kill innocent women and children and displace thousands from their homes.

The meeting rose at 1.00 p.m.

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Chair: Mr. Mac-Donald ..... (Suriname)
later: Ms. Alfeine (Vice-Chair) ..... (Comoros)

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The meeting was called to order at 3.05 p.m.

Agenda item 28: Advancement of women (*continued*)

(a) Advancement of women (*continued*) (A/C.3/67/L.20 and L.22)

Draft resolution A/C.3/67/L.20: Trafficking in women and girls

1. **Ms. Hernando** (Philippines), introducing the draft resolution, said that the biennial resolution had been updated to reflect emerging concerns related to human trafficking and placed the emphasis on the contributing factors that made people vulnerable to trafficking in persons, the need to strengthen the enforcement of labour laws that required business enterprises to respect human rights, in particular to prevent and combat human trafficking in supply chains, and the need to devise, enforce and strengthen systems and mechanisms to expedite disposition of cases of trafficking in persons. In addition, the business sector was invited to adopt ethical codes of conduct in order to ensure decent work and prevent any form of exploitative practices that fostered trafficking. Trafficking in persons was a crime of such magnitude that it could not be dealt with successfully at the national or even regional level alone. Member States therefore had a shared responsibility to work together to end that growing global scourge, protect innocent victims and prosecute perpetrators.

Draft resolution A/C.3/67/L.22: Supporting efforts to end obstetric fistula

2. **Ms. Sarr** (Senegal), introducing the draft resolution, said that almost 800 women died from pregnancy complications every day; for every woman who died more than 20 were injured or disabled. One of the most serious injuries was obstetric fistula; between 2 and 3.5 million women and girls were currently living with obstetric fistula, mainly in developing countries, since it had been virtually eliminated in the industrialized nations. The victims were typically poor, uneducated women living in rural, remote areas with limited or no access to health-care facilities. However, obstetric fistula was preventable and in most cases treatable and its persistence reflected both health system constraints and socioeconomic and gender inequalities. With a view to achieving Millennium Development Goal five by 2015, the international community must accelerate efforts to ensure equitable access to affordable, comprehensive, high-quality maternal health care that included skilled attendance during childbirth and emergency obstetric care in the event of complications. The draft resolution therefore called for renewed focus through specific programmes and additional resources in order to save women's lives.

Agenda item 103: Crime prevention and criminal justice (*continued*)

Draft resolution A/C.3/67/L.18: Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, in accordance with the United Nations Convention against Corruption

3. **Mr. Osorio** (Colombia), introducing the draft resolution, said that corruption had a negative impact on living conditions and on the legitimacy of institutions and their proper functioning. In the draft resolution, Member States were urged to continue focusing on the recovery of assets arising from corruption and the return of such assets to their legitimate owners in accordance with the provisions of chapter five of the United Nations Convention against Corruption. Despite the significant progress made, only 2 per cent of the funds of illicit origin from developing countries had been returned to the countries of origin, largely because countries encountered technical and legal difficulties in detecting transfers of the proceeds of crime and corruption. Capacity-building measures were therefore required so that States parties were able to issue and respond to requests for assistance, especially given that corruption and the transfer and non-repatriation of funds arising from corruption had a negative impact on countries' development.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/67/387-S/2012/717 and A/67/390)

(a) Implementation of human rights instruments (*continued*) (A/67/40 (Vols. I and II), 44, 48, 48/Corr.1, 222, 264, 269, 279 and 281)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/67/36)

4. **Mr. Pillay** (Chair, Committee on Economic, Social and Cultural Rights) said that the opportunity to address the Third Committee represented the first time the Committee on Economic, Social and Cultural

Rights had reported to the General Assembly, and to him, it represented the recognition that the Committee was a core component of the treaty body system. He also welcomed the recent decision taken by the Economic and Social Council to grant it additional meeting time. The Committee had recently reduced the number of meetings allocated to consideration of periodic reports from three to two on a provisional basis. However, it attached great importance to its constructive dialogue with representatives of States parties and would do its utmost to ensure that the more limited time available for such dialogue did not have a negative impact on the quality of the discussions and their outcome. To that end, it continuously strived to enhance the efficiency and effectiveness of its working methods.

5. The Committee had noted with concern the effect of the global economic and financial crisis on the enjoyment of economic, social and cultural rights. In May 2012, a letter had been sent to States parties recalling their obligations to protect those rights, even amid widening public deficits and poor economic growth. Backward steps in respect for economic, social and cultural rights constituted a disincentive to growth and could lead to social insecurity and political instability with a disproportionate impact on women, children and disadvantaged and marginalized groups. Policies to tackle the economic downturn should be in line with States parties' obligations to respect, protect and promote economic, social and cultural rights, which constituted the foundation for achieving the key development goals beyond 2015 in such areas as discrimination, inequalities, education, health care, social protection and macroeconomic stability.

6. The Committee urged Member States to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which required only two more ratifications to enter into force. On the subject of treaty body strengthening, the two additional weeks of meeting time would enable the Committee to reduce the backlog of reports. However, it was hoped that a long-term sustainable solution would be found at its forthcoming session in November 2012.

7. **Ms. Li** Xiaomei (China) said that China welcomed the strengthening of the Committee's role in promoting the development of economic, social and cultural rights in all countries and it therefore supported the increase in its meeting time. Economic, social and cultural rights and civil and political rights constituted two equally important categories of basic human rights. Member States should ensure that those basic rights were protected even in times of economic and financial crisis and the international community should pay more attention to rectifying the imbalances between developed and developing countries. As the world's largest developing country, China attached great importance to economic, social and cultural rights, especially the right of survival and the right to development. Since ratifying the Covenant in 2001, China had faithfully fulfilled its obligations and continued to strive to realize those rights. It therefore looked forward to ongoing constructive dialogue with the Committee.

8. **Mr. Geurts** (Observer for the European Union), commending the Committee for its indispensable work in promoting observance of the rights enshrined in the Covenant, asked for further information on the draft rules of procedure for the Optional Protocol, including the possible use of admissibility criteria for future complaints. Information would also be appreciated on the work of the Committee specifically relating to the economic, social and cultural rights of women. Lastly, education was a key objective of European Union development cooperation and his delegation would therefore welcome guidance on how to ensure better access to quality education for vulnerable groups and people facing multiple forms of discrimination, both now and after 2015.

9. **Mr. Pillay** (Chair, Committee on Economic, Social and Cultural Rights) said that he hoped that China would consider ratifying the Optional Protocol as its next step forward. The rules of procedure for the Optional Protocol would be adopted in November 2012 and were standard provisions similar to those of the optional protocols of other committees. The clear disadvantage provision contained in article 4 was peculiar to the Optional Protocol for that Covenant but the Committee would apply the provision on a discretionary basis and only if it were to be overwhelmed with applications, which was unlikely.

10. The Committee was continuously striving to promote women's rights, since women were more likely to suffer from poverty and encounter obstacles in their access to credit facilities and employment. In its constructive dialogue with States parties, the Committee always emphasized that women formed part of disadvantaged, marginalized and vulnerable groups.

Access to education for all women and men was important but access to health care, sanitation and clean water were equally vital. The Committee was keen to ensure that those issues continued to be viewed as rights and that associated targets were set in the post-2015 agenda. The Committee was considering drafting a statement to give guidance to the delegation of high-level experts on that matter and to stress that the right to development in particular constituted a right like all others.

11. **Ms. Majodina** (Chair, Human Rights Committee), introducing the sixty-seventh annual report of the Human Rights Committee (A/67/40, Vols. I and II), said that since 1977 the Committee had been monitoring the implementation by States parties of the International Covenant on Civil and Political Rights and its two Optional Protocols and guiding States parties on the fulfilment of their human rights obligations. To date, it had registered around 2,199 complaints and examined over 934 cases, and its recommendations had led to commutations of the death penalty, early release from prison, legislative and policy changes and other important reforms. The Committee valued the participation of all partners in drafting its general comments and planned to give further guidance to States parties on how they could contribute to that process. Recent general comments included general comment No. 34 on article 19 of the Covenant, which had provided the most authoritative commentary on the rights to freedom of opinion and expression; the Committee was in the process of preparing a general comment on article 9 on the right to liberty and security of the person. The Committee urged those Member States which were not yet party to the Covenant and its Optional Protocols to consider ratifying them as soon as possible.

12. Despite its achievements to date, the Committee faced many challenges. For example, 55 States parties were currently at least five years overdue in submitting either an initial or a periodic report. Country reports provided a solid basis for the constructive dialogue between the Committee and States parties; the Committee therefore urged all States parties to submit their reports on time, especially initial reports, so that the Committee would not have to consider their implementation of the Covenant in the absence of a report. Another challenge was understaffing, which had resulted in a considerable backlog of individual communications; the Committee had therefore requested additional temporary resources to enable it to deal with the 380 communications registered and 160 awaiting decision.

13. As a cost-cutting measure the Committee had established a new voluntary simplified reporting procedure for the examination of reports, which involved the adoption of lists of issues prior to reporting. The aim was to reduce the burden on States parties, the Committee and the Secretariat by introducing more targeted reports for the benefit of all. Lastly, the Committee welcomed the treaty body strengthening process under way and hoped that those bodies would be provided with sufficient, sustained resources.

14. **Ms. Hosking** (South Africa) said that the scope and breadth of the activities included in the report of the Human Rights Committee reflected its valuable work and significant contribution to the extensive body of international jurisprudence on civil and political rights. The Committee had played a pivotal role for many years in promoting and monitoring implementation of the Covenant and its two Optional Protocols. However, South Africa recognized the challenges it faced in relation to the high proportion of overdue reports, which complicated its efforts to ensure equal and fair treatment consistent with its mandate, as well as the budgetary and human resources constraints mentioned in its report. South Africa was therefore fully committed to working with Member States to strengthen and enhance the effective functioning of the United Nations human rights treaty body system by finding sustainable solutions to those and related challenges facing the international human rights machinery.

15. **Mr. Geurts** (Observer for the European Union) said that the European Union was firmly committed to establishing effective, independent human rights treaty bodies. Such bodies played a key role in ensuring international protection and promotion of human rights. The European Union welcomed the option of the list of issues prior to reporting and sought further information about the benefits of that process as well as any advice the Committee might give to other committees that were considering introducing a similar process. The simplified reporting procedure could help treaty bodies to work more effectively, ease the reporting burden for Member States and encourage increased compliance with reporting obligations. However, the European Union wished to know which

components of that procedure would have the most positive impact on the work of committees. Lastly, the European Union would welcome the Committee's views about the need for a code of conduct and the impact that such a code might have on the independent nature of the treaty bodies.

16. **Ms. Majodina** (Chair, Human Rights Committee) said that she welcomed the acknowledgement by South Africa of the Committee's work in protecting the civil and political rights of people all over the world, given that the country was emerging from a long period of political turbulence. However, it was deeply concerned that South Africa had not yet submitted its initial report. Like other treaty bodies, the Committee was facing significant budgetary constraints and had a backlog of individual communications awaiting processing. It now took three years for a communication submitted by an individual to be considered; justice delayed was justice denied, since people turned to the Committee as an instance of last resort. In order to reduce the backlog of State party reports the Committee had increased the number of reports considered during a session from four to six.

17. The list of issues prior to reporting, or simplified reporting procedure as it was now called, eased the reporting burden considerably given that those States parties that chose to adopt the voluntary procedure did not need to submit a report. Instead they had only to send responses to a list of issues. However, the procedure was not applicable to initial reports and could be used only where States parties had already submitted a previous report. The procedure had been launched as a pilot, with the first five countries to be examined in 2013.

18. The overall aim of the treaty body strengthening process was to enhance the ability of rights-holders to enjoy their rights. To that end, States parties would need to inject more resources into the treaty bodies to ensure that the recommendations made in the report by the United Nations High Commissioner for Human Rights on strengthening the United Nations human rights treaty body system could be implemented. The Committee was considering the recommendations and supported the intergovernmental process as long as it respected the power of treaty bodies to decide on their working methods and rules of procedure, as well as the Committee's impartiality and independence. Some of the recommendations made in the report were already established practice within the Committee, but other proposals, such as the comprehensive reporting calendar, would need to be considered from a more critical standpoint. While the calendar had its merits, it would entail drastic changes in how States parties approached their reporting obligations and how the treaty bodies carried out their work. The Committee feared that its flexible approach to the submission of State party reports might be compromised and would therefore be considering all the recommendations made in relation to its working methods.

19. Regarding the code of conduct, the Committee would examine the Guidelines on independence and impartiality of members of the human rights treaty bodies drafted in 2012 and consider how they could be adapted to its rules of procedure and working methods. However, a code of conduct should not be imposed on the Committee given that the treaty bodies had already developed their own tools for self-regulation.

20. **The Chair** invited the Committee to continue its general discussion of sub-items (a) and (d) of agenda item 69.

21. **Mr. Šćepanović** (Montenegro) said that, since regaining independence in 2006, Montenegro had taken a more active role in international affairs. At the national level, the Ministry of Justice and Human Rights and the Ministry for Minority Rights were the key Government ministries responsible for developing and implementing policy for the protection of human rights and freedoms. However, Montenegro had also established several working bodies to monitor and control implementation of both those policies and the United Nations conventions and treaty body recommendations.

22. The provisions of the fundamental human rights instruments had been incorporated into national law and Montenegro looked forward to receiving and implementing the recommendations of the Human Rights Council following review of its second report submitted under the universal periodic review. Since its completion of the universal periodic review in 2008, Montenegro had signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocols to the Convention on the Rights of the Child. It had also submitted initial and periodic reports on several international treaties and was in the process of ratifying the Council of Europe Convention on preventing and combating violence against women and

domestic violence. As a candidate for membership in the Human Rights Council for the period 2013-2015, Montenegro was committed to upholding the values enshrined in the United Nations Charter and other universal human rights instruments.

23. **Ms. Sumi** (Japan) said that Japan had had withdrawn its reservation to article 13, paragraph 2 (b) and (c), of the International Covenant on Civil and Political Rights. It welcomed the strengthening of the human rights treaty body system and valued the role of the Human Rights Council, particularly the universal periodic review system. It had carried out a voluntary follow-up in 2011.

24. Japan was striving to establish gender equality and the full participation of both men and women in all areas. Its third Basic Plan for Gender Equality, adopted in 2010, set targets in line with the Convention on the Elimination of All Forms of Discrimination against Women. The Government recognized the pivotal role played by the Committee on the Elimination of Discrimination against Women and would continue to cooperate actively with it.

25. Japan had signed the Convention on the Rights of Persons with Disabilities in 2007 and was preparing to ratify it, and had amended the Basic Act for Persons with Disabilities in 2011 in line with the Convention. It had also established a Board on policies for persons with disabilities in 2012, which made national policy recommendations and monitored implementation of that policy. The Government planned to take further steps to protect the rights of persons with disabilities, including legislative amendments.

26. **Mr. Benmehidi** (Algeria) said that his country was a party to almost all international human rights instruments and had always allocated significant resources to economic and social development and to improving the standard of living of its people. Algeria was committed to the promotion and protection of civil, political, economic, social and cultural rights through the constitutional and legislative framework, as well as domestic implementation, evaluation and appeal mechanisms. At the regional level, Algeria always assumed its share of responsibility for protecting and promoting human rights.

27. Algeria was undertaking broad political, economic and social reforms, which would lead to the adoption of a new Constitution. His Government had lifted the state of emergency and set out a series of laws to strengthen the rule of law and representative democracy, in such areas as political parties, decriminalizing press offences, opening up the broadcast media and a guarantee of 30 per cent representation of women in elected assemblies. Efforts were being made to enhance the involvement of civil society in all aspects of public life, reflecting the Government's commitment to expanding democracy and responding to citizens' needs.

28. With regard to economic, social and cultural rights, various development plans implemented over the past decade had significantly improved the standard and quality of life. Algeria had also expanded aid programmes helping young people to enter the job market. His Government adhered to the principle of universality, with a view to protecting the fundamental rights of individuals and respecting their dignity. In that respect, there was no single model for social or political organization, as universality must be based on recognition of cultural, historical and geographical specificities, and on international standards and legal principles.

29. In line with its aim to avoid politicization and selectivity, the Human Rights Council should conduct a rigorous and objective evaluation of implementation of the Vienna Declaration and Programme of Action. Accession to international human rights instruments must not be selective. In that context, the non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families by countries which hosted migrant workers continued to weaken the Convention's implementation.

30. Although the international community had made strides in the protection of human rights, many peoples remained deprived of their fundamental rights and from realizing the ideals of peace, progress and prosperity. In that respect, the right of peoples to their self-determination in situations of foreign occupation was a prerequisite to an international order founded on respect for human rights.

31. **Ms. Changtrakul** (Thailand) said that human rights, which were at the heart of her Government's domestic and foreign policy, also comprised an aspect of human security. In that regard, it was endeavouring to enhance people-centred policies, including through universal health care, and free and equal educational opportunities for all. Equal opportunities for vulnerable

groups were being enhanced, including through the creation of a national fund to help rural women to develop their professional potential and leadership in communities, and through a mechanism and law on older persons, and measures to ensure implementation of the Madrid International Plan of Action on Ageing. Thailand had amended its laws in line with the Convention on the Rights of Persons with Disabilities, and would continue to help other countries in the region to build their capacity towards implementation of the Convention.

32. As a member of the Human Rights Council, Thailand would continue to advocate for the value of technical cooperation in enhancing human rights. As a sign of her Government's commitment to international human rights standards, it had withdrawn its reservations to articles 6 and 9 of the International Covenant on Civil and Political Rights, concerning the abolition of the death penalty for persons below eighteen years of age, and the obligation to bring arrested or detained persons on a criminal charge before a judge or other judicial officer. Thailand was closely cooperating with the special procedures of the Human Rights Council, and was committed to combating human trafficking, as evident from the visit of the Special Rapporteur on trafficking in persons, especially women and children, in August 2011. Thailand had issued a standing invitation to all special procedures and was currently arranging for the visit of the Special Rapporteur on the human right to safe drinking water and sanitation planned for early 2013. Lastly, she noted that Thailand would stand for election to the Council for the term 2015-2017, and would continue to cooperate with all stakeholders in creating rights-based societies for all.

33. **Ms. Solórzano-Arriagada** (Nicaragua) said that her country had aligned its legislation with international human rights standards and with the principles of non-discrimination and equality of all citizens. Nicaragua was a party to the principal human rights instruments, the provisions of which were largely reflected in its Political Constitution and other legislation. Progress had also been made towards the adoption and/or ratification of other important human rights instruments.

34. Eradicating poverty and securing political, economic, social and cultural rights for the Nicaraguan people were priorities for her Government, whose policies and programmes included access to free health care, food, clean drinking water, education, employment and housing, and a national human rights plan which aimed to reduce poverty. The effective enjoyment of civil and political rights was also necessary for development. Nicaragua reiterated its commitment to work towards the promotion, application and guarantee of human rights to maintain peace, social justice, equality and the respect for life.

35. Nicaragua had made progress in administrative and legal matters, setting up agencies which guaranteed compliance with national and international human rights standards, with a particular focus on the most vulnerable groups such as children, adolescents, women, indigenous peoples, persons with disabilities and migrants. Her Government had also created an Atlantic coast development council, which aimed to strengthen regional bodies and promote development in the autonomous regions and indigenous communities along the coast.

36. The justice system had been modernized in recent years, which had enhanced the protection of human rights. A public defender's office had been created, and the attorney-general's office had been separated from the public prosecutor's office. Such efforts to implement international human rights instruments, made jointly with civil society groups through an inter-agency human rights committee, had led to significant progress, including the submission of long-awaited reports to United Nations treaty bodies.

37. **Ms. Abubakar** (Libya) said that for several decades the people of her country had been subject to human rights violations of many kinds, including murder, torture and extrajudicial killing, at the hands of a merciless dictatorship. The tyrant Al-Qadhafi had used the country's wealth to oppress the people and deprive them of the most basic rights. The fall of the Libyan dictator had constituted a major turning point in the history of the Libyan people toward a new Libya in which all without exception enjoyed human rights and fundamental freedoms.

38. Her delegation was unhappy about what were described in a Human Rights Watch report as human rights violations during the war against the dictatorship in Libya, most of which had been committed by Al-Qadhafi's forces and mercenaries. The Libyan authorities expressed regret and disapproval over the occurrence of such violations and intended to investigate all those that might have been committed

by the revolutionaries during the war or after the fall of the regime. Indeed, the Libyan people, having revolted against injustice, could not accept any further human rights violations.

39. The new Libya was bent on respecting all its undertakings under international instruments for the promotion and protection of human rights. Political parties had come into being and there was now freedom of the press, freedom of expression, unconditional freedom to assemble and demonstrate and freedom to establish civil society organizations and trade unions. Amid the many challenges facing the Government, the question of human rights remained paramount. Practical steps towards promoting and protecting human rights included the establishment of the National Council for Public Liberties and Human Rights; preparation of an integrated programme of action for the promotion and protection of human rights; the ongoing investigation into human rights violations that had occurred during the 17 February revolution; the simplification of entry procedures for non-governmental human rights organizations; invitations to visit Libya to the High Commissioner for Human Rights and the Working Group on Enforced or Involuntary Disappearances; and launching of cooperation with the Office of the United Nations High Commissioner for Human Rights for technical assistance and capacity-building.

40. Libya affirmed the principles of independence of the judiciary and separation of powers. Her Government was eager to conduct, under the supervision of the Libyan State, fair trials for persons accused of specific offences, in which the criteria of international law and human rights law were observed. It was also avidly seeking to ascertain the fate of thousands of disappeared persons. She commended the role being played by civil society organizations in promoting a culture of human rights and respect for the rights and freedoms of others.

41. **Mr. Al-Obaidi** (Iraq) said that the complete withdrawal of foreign troops from his country and the recovery of its national sovereignty had marked the end of a difficult period that had adversely affected the Iraqi human rights situation. It had also removed any pretext for terrorist groups whose operations had depended on the presence of such troops. Some armed groups had joined the political process and put aside their arms under the project of national reconciliation.

42. Throughout those events, his Government had made enormous efforts to promote a culture of human rights based on the Iraqi Constitution and the country's international commitments and to establish peaceful coexistence among the groups that constituted the Iraqi people, as demonstrated by the country's National Action Plan on Human Rights, which was based largely on the recommendations made by the Human Rights Council during the universal periodic review of Iraq, in February 2010. The draft Plan had been reviewed at a meeting that included representatives of the United Nations, the European Union and the diplomatic missions accredited in Iraq. The Plan, which was expected to be implemented by the start of 2014, called for Iraq to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the adoption of a law on Iraq's accession to the International Convention for the Suppression of the Financing of Terrorism and the Convention on the Rights of Persons with Disabilities. The instrument of accession would be deposited as soon as possible.

43. Iraq had withdrawn its reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women . It had submitted its periodic report in respect of that Convention and would shortly submit its reports under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights. In the preparation those reports, civil-society organizations had played an outstanding role.

44. His country had received and facilitated the work of the Working Group on the use of mercenaries and the final steps were being taken to receive the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment within the framework of an open invitation to visit the country extended by the Government to mandate holders of special procedures as a voluntary commitment in the context of the universal periodic review.

45. The establishment of the High Commission for Human Rights had reached the final stages: the Commissioners had been selected by the Committee of Experts and included a representative of the United Nations Assistance Mission for Iraq (UNAMI). Speedy measures were being taken for the adoption of a number of draft laws relating to the performance of the

country's international commitments and constitutional provisions pertaining to rights and freedoms. They included laws on freedom of speech, assembly and peaceful protest; the right of access to information; political parties; combating trafficking in human beings; and labour. Legislation aimed at the realization of the Millennium Development Goals and the promotion of rights had also been enacted in the fields of poverty reduction; the advancement of women and the elimination of violence; and policymaking to reduce unemployment.

46. Post-2003 Iraq had inherited from the previous regime a heavy legacy of human rights violations involving mass graves, the killing or forced displacement of anyone who opposed the regime, including scholars and intellectuals, and demographic changes. His delegation appealed to the international community to aid the Government in its efforts to overcome the adverse consequences of that legacy through the identification of victims, the uncovering of mass graves and support to technical staff. The Iraqi Government had identified those crimes by organizing conferences, the first of which had been held in London in January 2011; others conferences would be organized with a view to international condemnation of the crimes of the Saddam Hussein dictatorship as crimes against humanity, so as to provide some vindication and psychological rehabilitation for the victims.

47. The greatest challenge to human rights in Iraq lay in terrorism, which affected innocent, unarmed civilians, though it had declined from 2010 to 2011, a sign of the success achieved by the police and security forces.

48. The Iraqi Government had signed with the United Nations a memorandum of understanding closing the case of the members of the Iranian Mojahedin-e-Khalq Organization in a voluntary, peaceful fashion consistent with human rights standards, with a view to their relocation to a third country under United Nations supervision.

49. **Mr. Elbahi** (Sudan) said that the promotion and protection of human rights was a principle deeply rooted in Sudanese society. His country had ratified all the international human rights instruments and their provisions had been incorporated into national legislation. In that context, cooperation agreements had been concluded with South Sudan and the transitional authority structures for the Darfur region had been integrated thanks to the Doha Document for Peace in Darfur. As a result, the Darfur states had entered a new phase of stability marked by the voluntary return of thousands to their homes and a decline in violence, except on the part of a few rebel movements that had not signed the document.

50. Positive human rights developments in his country included the setting up of an independent National Commission for Human Rights; the establishment of a special court on Darfur crimes and the appointment of a public prosecutor to investigate all human rights violations that had occurred since the start of the conflict in Darfur. In Blue Nile and South Kordofan states, the Government had begun practical arrangements with the partners to the humanitarian tripartite initiative with a view to its implementation, which had been slowed down by the obstacles created by the Sudan People's Liberation Movement, Northern Sector. In Abyei, the Government had recently signed a memorandum of understanding on the status of forces even though the United Nations Interim Security Force for Abyei (UNISFA) had completed its deployment before the memorandum was signed, thanks to the cooperation of the Government, which had also ensured unrestricted freedom of movement for the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The common aim in all the cases mentioned had been to ensure that the people of his country enjoyed all their lawful rights.

51. Sudan had promulgated a law on children in 2010 and had established units for the protection of children, women and the family within the armed forces and the police and a unit to combat violence against women and children within the Ministry of Welfare and Social Security. It had drafted a law on disabled persons and established a national council to protect their interests and safeguard their rights. The country's traditional and religious values ensured that the elderly were viewed with esteem, and homes for their care had been established.

52. Human rights connected with freedom of expression were accorded extreme importance in his country's laws and protected under its Constitution. In addition to more than 50 daily newspapers and a number of international magazines, there were at least seven satellite television channels and an equal number of radio broadcasting stations. They included only one Government television channel and two Government

radio stations. Nothing in the country's laws prevented freedom of expression.

53. The Human Rights Council resolution (A/HRC/RES/11/10) renewing the mandate of the Independent Expert on the situation of human rights in the Sudan under agenda item 10, on technical assistance and capacity building, rather than under item 4, which involved monitoring, had been welcomed by his country and confirmed that human rights in the Sudan were steadily improving. His country reaffirmed its commitment to cooperation with the United Nations human rights mechanisms, but hoped that the sole way of dealing with the related issues would be constructive dialogue that shunned any politicization of those issues or violation of State sovereignty.

54. The universality of human rights required that they be dealt with as a whole. His delegation called for economic, social and cultural rights to be given attention equivalent to civil and political rights. It also called for the dissemination of values of tolerance conducive to balanced dialogue among religions and cultures and an end to efforts to impose a particular value system on others or to destroy the other, given that all religions had the same divine source and civilizations and cultures were human achievements whose particularities should be respected. It stressed the importance of the family as the basic unit of society and the need to challenge the recent attempts forcibly to introduce new gender concepts whose definitions were not recognized internationally, while clearly ignoring deep-rooted religious, cultural and traditional particularities.

55. While freedom of expression was clearly needed, it must not be exploited to incite hatred or denigrate religions. His delegation condemned the recent film insulting the Prophet Muhammad just as it had earlier condemned insulting caricatures. It trusted that the Assembly would take action to protect all religions. His delegation appealed for concern for the rights of the weak and vulnerable people of the world, including minorities, emigrants and victims of occupation in unlawfully appropriated Arab lands.

56. Collective action through multilateral mechanisms without discrimination between States was the appropriate way to promote human rights, particularly as there was no country large or small that was free of human rights issues.

57. **Ms. Al-Amiri** (Qatar) said that the economic, social and political changes that had marked the start of the new millennium had heightened the importance of human rights issues. Her country had brought its penal code into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which, along with numerous other regional and international human rights instruments, it had acceded. It had considered with an open mind the report on its human rights situation presented in the context of the universal periodic review of the Human Rights Council and had implemented many of the Council's recommendations. It celebrated a yearly national human rights day, an indication that the promotion and protection of human rights were considered an inseparable part of the country's identity and culture.

58. Numerous institutions for the promotion and protection of human rights had been established in the country, both governmental and non-governmental. In keeping with its reform policy and growing concern with the promotion and protection of human rights, Qatar had offered to host the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, created by General Assembly resolution 60/153. The Centre, placed under the supervision of the Office of the United Nations High Commissioner for Human Rights, had opened in May 2009. It had conducted important regional training activities and consultations concerning the United Nations human rights mechanisms, the media and human rights education and provided support to human rights organizations in the region. Qatar, as host country, had offered the Centre considerable support since its foundation, but because of the growing demand for its services, the Centre would not be able to carry out its mandate efficiently unless it was adequately funded from the regular budget of the United Nations. Such funding on an ongoing basis was vital to guarantee the proper performance of its programmes, the development of training and documentation activities and the transparency, reliability and independence of the Centre. His Government remained committed to providing the necessary support and financing for the Centre's programmes and activities.

59. **Mr. Ulibarri** (Costa Rica) reiterated his Government's support for the work of the treaty bodies. The treaty body system involved multiple

stakeholders, and its committees must reflect broad participation in discussions on the intergovernmental process for strengthening those bodies. Any changes to that system should improve compliance with obligations and increase the protections that treaty bodies granted to rights holders.

60. Costa Rica supported the proposals for a comprehensive reporting calendar, simplified reporting procedure, page limits and the use of modern technologies (A/67/222, paragraph 32 (a)). He requested more information on the technical criteria relating to the different committees and their Chairs especially regarding proposals related to individual communications. States must do their utmost to ensure financial resources for implementation of those proposals.

61. Costa Rica had worked to strengthen the treaty bodies and hoped that an agreement could soon be reached on a comprehensive and systematic long-term solution. Nevertheless, that should not prevent the General Assembly from deciding on urgent measures required to prevent the treaty bodies from entering into a greater crisis, even if they had financial implications. The Committee Chairs' endorsement of the Guidelines on independence and impartiality of members of the human rights treaty bodies was welcome; they were key to the functioning of those bodies. The holding of chairs' meetings in different regions was a welcome initiative, and he hoped that the next such meeting could be held in his region, with participation from national human rights institutions and their organizations.

62. **Ms. Cavanagh** (New Zealand) said that implementation of the Convention on the Rights of Persons with Disabilities was a significant step in ensuring that such persons could live in societies where they were valued, and more efforts to ensure their full participations were needed, particularly regarding international cooperation. Her Government welcomed the broad support for that Convention, and called on States which had not yet ratified it to do so. Persons with disabilities were often amongst the most vulnerable members of society, and their vulnerability should not be misconstrued as inability or dependency. World Bank estimates on the annual loss of global gross domestic product due to the exclusion of persons with disabilities from economic income activities reflected the need to mainstream disabilities into development planning.

63. Her Government had welcomed in particular the progress made in integrating the rights of persons with disabilities in the context of the Millennium Development Goals. Data disaggregated by disability must be produced to support the planning and monitoring of efforts to make the post-2015 development framework inclusive and accessible. In the light of the important work of the Committee on the Rights of Persons with Disabilities, it was of deep concern that the Committee was unable to consider periodic reports in a timely manner. It was thus imperative to adopt the request for two weeks' additional annual meeting time and two weeks of pre-session meeting time to facilitate the Committee's work. The rights of persons with disabilities must be addressed equally within the United Nations system. A concerted effort was needed to enhance the effective functioning of the Convention's reporting system and the entire human rights treaty body system.

64. **Mr. Och** (Mongolia) said that States should implement sound policies and international cooperation should be enhanced to address the challenges to effective implementation of human rights, which included corruption, a democratic deficit and a lack of capacity and expertise. In that regard, States needed more substantive support from the international community through enhanced technical assistance and advice on capacity-building and human rights education.

65. His Government, in the context of its ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, was undertaking step-by-step measures to amend its legislation with the aim of abolishing the death penalty in law and practice. It had also been carrying out a range of legal reforms to bring its national laws into line with international standards. His Government had published a bulletin to disseminate the human rights conventions to which it was a party, and, in 2009, had passed a resolution enabling national courts to directly invoke the provisions of international human rights standards and norms.

66. His Government also attached great importance to its reporting obligations under human rights treaties, and considered the universal periodic review a unique mechanism for promoting human rights worldwide. It had submitted its first report on the implementation of the Convention on the Rights of Persons with Disabilities earlier in 2012. Moreover, among his

Government's priorities was the protection of women and children's rights, as evidenced by its signing of an agreement on cooperation to combat trafficking in persons in the region.

67. Lastly, his Government welcomed the recommendations made by the Working Group on business and human rights, which had recently visited Mongolia. They corresponded with its policy of providing an effective remedy for citizens whose human rights were affected by business activities.

68. **Mr. Momen** (Bangladesh) said that the universal periodic review was effective in helping to improve the global human rights situation. His Government was committed to building a society free from exploitation, where fundamental human rights and freedoms, equality and justice were secure and all citizens were equal before the law. Its position on human rights was based on the principles of universality, non-selectivity and objectivity. Its Constitution embodied the provisions of the Universal Declaration of Human Rights, irrespective of religion, race, caste or sex, and contained special provisions to ensure the rights of women, children and minorities.

69. Bangladesh had signed, ratified and acceded to nearly all the key international human rights instruments; in 2011, it had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. His Government engaged in constructive dialogue with the international community in espousing the cause of human rights, which should prevail without political manoeuvring.

70. His Government had regularly updated its laws to ensure compatibility with various human rights instruments. It had ensured freedoms of speech, expression and thought. It had also enacted legislation to promote the rights of children and women. The existing legislation on persons with disabilities was being harmonized with the provisions of the relevant Convention and among the measures it was undertaking in that context were programmes for student stipends, special and inclusive schools for students with disabilities and quotas. Effective, independent national mechanisms were the best safeguards against human rights violations, and his country's national human rights commission was empowered to inquire *suo moto* into any complaint of violation.

71. In the context of human rights learning, his Government provided regular training on human rights issues to public officials, especially in law enforcement. That had already yielded positive results on the ground.

72. Human rights should be addressed from an integrated and holistic approach. Civil and political rights and economic, cultural and social rights, including the right to development, were of equal importance, and it was crucial to help the more vulnerable societies to meet a minimum standard of living, and enjoy the right to education and to health care and shelter. Failing that, poverty and unmet aspirations for development would stifle the political process and undermine democracy. A collective effort and understanding of all Member States was needed in that regard.

73. **Mr. Al Habib** (Islamic Republic of Iran) said that, nearly two decades after the adoption of the Vienna Declaration, many concerns, including enhanced international cooperation in human rights and the realization of the right to development, remained unaddressed. The international community must give equal attention to economic, social and cultural rights and political and civil rights, including the binding nature of the right to development. Religious and national specificities, as well as cultural diversities, must be given serious consideration in order to curb the growing trends of racism, racial discrimination, xenophobia and related intolerance which threatened some societies.

74. It was regrettable that most manifestations of those trends were occurring against one religion and its followers, namely Islam and Muslims, as illustrated by the recent film, which was produced in the United States of America and was offensive and insulting to the Prophet Mohammad. Such manifestations of religious intolerance reflected the dire need to take collective and preventive action against such fast-growing religious intolerance.

75. Poverty alleviation should be made a central theme of the human rights machinery, with the burden falling to the States which used other countries' labour force and human resources. The international community had a long way to go to achieve the ideals under the Vienna Declaration and Programme of Action, and it was timely to assess progress and shortcomings to attaining those ideals.

76. Iran reaffirmed its commitment to the universality, interdependence and equality of all human rights, and noted the urgent need to curb the trend of selectivity and economic and political exploitation which continued to taint the international order.

77. **Mr. Kasymov** (Kyrgyzstan) said that the human rights instruments most recently signed by Kyrgyzstan were the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities. Kyrgyzstan had also become a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

78. The Kyrgyz Constitution of 2010 abolished the death penalty and assigned the utmost importance to human rights and freedoms. All draft laws affecting the interests of citizens were subject to public debate. An Ombudsman's office was operating effectively in Kyrgyzstan. In addition, the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, had recently visited the country.

79. His delegation welcomed the recent launch of the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, pursuant to resolution 66/254, and supported the efforts of the High Commissioner for Human Rights to raise public awareness of the work of the treaty bodies. At the same time, the treaty bodies must ensure that their conclusions and recommendations were realistic and took account of the interests of all relevant parties.

80. The United Nations Conference on Sustainable Development (Rio+20) had recognized the importance of human rights for sustainable development. In that context, it was vital to ensure a balance between civil and political rights on the one hand and economic, social and cultural rights on the other, particularly in developing countries, where human rights protection was understood to imply improved living conditions. Those countries should be provided with greater assistance in order to achieve their development goals

Statements in exercise of the right of reply

81. **Mr. Mahmoud** (Egypt) said that the allegations made by a representative of the Russian Federation at the twentieth meeting regarding Christians in Egypt were inaccurate and unfounded, noting that Egypt's Coptic Christians had been an integral part of Egyptian society for thousands of years, without discrimination, before or after the democratic revolution of 2011. His Government ensured the enjoyment of equal rights and freedoms of religion or belief for all Egyptians, guaranteed under its Constitution. All Egyptians could freely exercise and practice their religion.

82. He reiterated his Government's commitment to protecting the right of freedom of expression and opinion, when it was used to promote mutual understanding, respect, and acceptance. It was hoped that the Government of the Russian Federation ensured such freedoms as well, including for Muslim minorities in their territories, or the Chechen people and their right to self-determination.

83. **Mr. Win** (Republic of the Union of Myanmar), responding to a statement made by the representative of Saudi Arabia, said that the exercise of religious freedom in Myanmar was well known throughout the world, and the Government provided equal treatment to all faiths. The country's Constitution provided safeguards against religious discrimination and intolerance. Interfaith harmony was a time-honoured tradition in the country, as evidenced by the fact that Buddhist pagodas, Christian churches, Muslim mosques and Sikh temples could be seen side by side throughout the country. The Government of Myanmar encouraged its population to preserve its respective religious traditions and practices, including through financial and other support to that end, for example to facilitate annual pilgrimages for followers of the Islamic faith.

84. The violence in Rakhine State had been triggered by two communities earlier in the year, and both had lost lives and property. His Government had taken measures to address that situation, including through legal action against perpetrators and measures under existing laws to prevent similar actions from occurring in the future. An independent commission had been set up to investigate the incidents. His Government was also cooperating with religious and community leaders, and had facilitated a number of visits by United Nations officials and representatives of other international and regional agencies to Myanmar; it had recently extended an invitation to the Secretary-General of the Organization of Islamic Cooperation to come to assess the situation on the ground. The overall

situation was returning to normal. Accusations made by some were unfounded.

85. The violence that had recently erupted in Rakhine State was neither a conflict between two religious groups, nor a humanitarian issue. Humanitarian assistance was being provided to the affected people without interruption, and additional assistance to both communities was always welcome.

86. **Mr. Oyateru** (Nigeria), in response to the statement by a representative of the Russian Federation that a radical Islamist movement continued to exterminate Christians in Nigeria, said that the actions of the Boko Haram did not target Christians, but affected persons of any faith indiscriminately, and his Government was undertaking joint counter-terrorism efforts with others to address the situation. His Government did not tolerate any kind of killing, regardless of motive, and all Nigerians of good conscience had condemned the violent acts perpetrated by that group. He invited that representative to seek accurate information, which his Government stood ready to provide at all times.

87. **Mr. Al-Obaidi** (Iraq), in relation to the reference made by a representative of the Russian Federation on religious minorities in Iraq, said that Christians in Iraq had been exposed to the same indiscriminate terrorism as all Iraqis, perpetrated by groups such as Al-Qaida.

88. His Government had taken measures to protect all its people, including religious minorities, through enhanced protection in places of worship and the guarantee to exercise religion in all safety. An order had been given to create a Christian affairs office that would report to the President and have full knowledge of all situations of injustice against Christians. Article 7 of the Iraqi Constitution prohibited behaviours which incited or glorified racism, terrorism or ethnic cleansing.

89. **Ms. Alsaleh** (Syrian Arab Republic) said that the reference made to her country by the representative of Saudi Arabia at the twentieth meeting was misleading, and was in line with his Government's policy of encouraging terrorism in the Syrian Arab Republic.

90. The representative of Saudi Arabia claimed that his country had succeeded in combating terrorism and radical thinking, yet it was well-known that the roots of radicalism that offended Islam were anchored in a Saudi school of thought which was harmful to Muslims around the world and undermined Islam. Saudi Arabia hosted thousands of persons who propagated terrorist theory against her country. The Salafi philosophy incited upheaval on Syrian streets and sowed the seeds of factional and sectarian sedition. It undermined all development achievements and the concept of a modern State.

91. Moreover, in Saudi Arabia, peaceful demonstrators were repressed and killed, more than 30,000 political prisoners were held in Saudi jails, and a travel ban was imposed on persons who expressed their opinion or assembled peacefully. All the while, Saudi authorities provided weapons and funds to terrorist groups in the Syrian Arab Republic.

92. **Ms. Abubakar** (Libya) said that her country was a party to the International Covenant on Economic, Social and Cultural Rights, and noted that the allegation made by a representative of the Russian Federation about the exodus of thousands of Christians from Libya did not accurately reflect the situation of Christians living in her country. Those who had fled the country had been motivated by the same desire as others — to find peace. Libyans were known for their tolerance and peaceful coexistence.

The meeting rose at 6.10 p.m.